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III. REMARKS/ARGUMENTS

A. Generally

The Examiner has indicated that claims 24-33 are pending in the application; that claims 27 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As indicated, these claims have been cancelled.

The Examiner has further indicated that claims 24-25, and 28 are rejected under 35 U.S.C. 102(b) as anticipated by the patent to Langford, et al (4677796), because Langford et al show all of the elements called for in these claims.

The Examiner has further indicated that claims 24-28 are rejected under 35 U.S.C. 102(b) as anticipated by the patent to Preissler (3827200), as Preissler shows all of the elements called for in these claims.

The Examiner has further indicated that claims 24, 31-32 are rejected under 35 U.S.C. 102(b) as anticipated by the patent to Ernest (595875), inasmuch as Ernest shows all of the elements called for in these claims.

The Examiner has next indicated that claims 29-30 are rejected under 35 U.S.C. 103(a) as unpatentable over Preissler et al, because Preissler shows all of the claimed limitations except for the polygonal member being pentagonal or hexagonal. However, it would have been obvious for one having ordinary skill at to modify Preissler to show the polygonal member module being pentagonal, because variations in the geometry of polygonal shapes are well known.

The Examiner concluded by indicating that claim 33 is rejected under 35 U.S.C. 103(a) as unpatentable over Ernest in view of Feldman (6223758), because Ernest shows all of the claimed limitations except for the disc member being fabricated from polarized transparent material, but Feldman shows a disc being made from polarized transparent material.

B. Response to Rejections Based on 35 U.S.C. § 112

Claims 27 and 29 have been cancelled and are not addressed herein.

C. Response to Rejections Based on 35 U.S.C. § 102(b)

Section 102(b) provides that “a person shall be entitled to a patent unless the invention was patented or described in a printed publication ... more than one year prior to the date of the application.” 35 U.S.C. §102(b) (2000). Accordingly, a rejection based on anticipation requires that the “four corners” of a single, prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. See *Atlas Powder Co. v. Ireco, Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994). The specification of a patent must do more than merely indicate that the disclosed device may be used to perform another function. See *Straussler v. United States*, 339 F.2d 670, 671 (Ct. Cl. 1964). The prior art reference must be enabling, thus placing the claimed invention in the possession of the public. See *Akzo N.V. v. United States Int’l Trade Comm’n*, 808 F.2d 1471, 1479 (Fed. Cir. 1986).

With respect to the rejection of claims 24-25 and 28 under 35 U.S.C 102(b) as being anticipated by Langford et al, it is respectfully submitted that Langford et al does not show a module bearing any structural similarity to the module claimed in claim 24. Specifically, Langford et al shows a gazebo structure 10 having a main roof structure¹⁴ and a roof center piece 16. Taking the roof structure in its entirety and comparing it to the module of the present invention, there is a rough resemblance. However, the roof structure of Langford et al does not have “*a plurality of substantially flat angled sides, ... wherein each of said angled sides includes connection means such that each of said angled sides may be connected to at least one angled side of an adjacent module.*” [Italics indicating pending claim language.] This limitation is called for in newly amended claim 24. The

amendment is intended to highlight the functional advantage provided by the structural features of the angled sides of the inventive module; namely, that the module can be connected to other modules to make a dome. It is respectfully submitted that Langford et al does not show such structure, and that therefore it is not an appropriate basis for rejecting claim 24 under 35 U.S.C. 102(b). While the Examiner has indicated that element (56) in Langford et al is a substantially flat angled side, it is respectfully submitted that element (56) is simply the base member of one of the triangular roof sections (42) comprising the roof structure. Further, the connection means (88) pointed out by the Examiner is a bracket for attaching the roof section to a support column (86). It is not a means for connecting the roof structure to an adjoining roof structure. As shown in Langford et al, the roof sections (42) are clearly adapted to be joined to form only a total roof structure; and once joined, the sections bear no structure and include no means for combining a complete roof structure with a plurality of roof structures to assemble a domical structure. Thus, neither the roof sections nor the roof structure shows all of the limitations of amended claim 24.

With respect to the indication that claims 24-28 are rejected under 35 U.S.C. 102(b) as anticipated by the patent to Preissler (3827200), it is respectfully submitted that Preissler does not describe every element of the claimed invention. Specifically, Preissler shows a polygonal building structure (1) comprising an assembly of floor panels (10), wall panels (20) and segmental roof panels (30). It is believed that the Examiner, in imposing this rejection, is in one moment comparing the invention of claim 24 with a single roof panel as shown in Preissler, and in the next moment he is comparing the invention of claim 24 with the entire roof structure of Preissler. This is understandable to inapt.

The roof structure of Preissler comprises a plurality of triangular roof panels that are assembled into a cone and that converge at a clamping member (50) at the roof center. The Examiner has indicated that the roof center in Preissler includes a center connecting washer (52) and center connecting bolt (53). This is relevant only if we are comparing the totality of the roof structure in

Preissler with a single module of the present invention. However, making this kind of comparison, it is noted that while the structural elements at the center of the roof in Preissler may be roughly analogous to the center connector of the module of the present invention, the roof structure in Preissler does not include connection means of any kind suitable for connecting one roof structure to another adjoining structure, such means being an essential limitation of newly amended claim 24. The connection means indicated by the Examiner (erroneously as 15-17) are actually recesses and battens (col. 4, lines 57-63; FIG. 11) in adjoining triangular roof panels for bringing the single panels into interlocking relationship with one another. However, taking a roof panel alone, it is seen that it does not include a center connector of any kind. And taking the roof as a whole, it is seen that it does not include connection means. Thus, when viewed from either perspective (roof panels alone or in combination), the present invention is simply not shown.

The Examiner has also indicated that claims 24, 31 and 32 are rejected under 35 U.S.C. 102(b) as anticipated by the patent to Ernest (595875), inasmuch as Ernest shows a strutless building module having all of the elements called for in these claims. For substantially the same reasons as set forth above, it is respectfully submitted that Ernest does not show a strutless building module having each and every structural element called for in claim 24. In fact, Ernest does not show a strutless building module at all; rather, it shows a tent with a roof. The connection means indicated by the Examiner (figure 15 of Ernest) actually comprises a constellation of braces suitable for joining a number of converging rafter braces and then to connect the rafters to a support column. However, there is no side on the roof comparable to sides 44 of the present invention, and, again, there are no means shown for connecting the "sides" of the tent roof to an adjoining tent roof in such a manner that the "modules" could be assembled into a domical structure.

Presently amended claim 24 specifically recites that the strutless building module has a plurality of substantially flat angled sides, each of which has connection means such that each of the angled sides may be connected to at least one angled side of an adjacent module. Nowhere is such structure shown

in Ernest.

D. Response to Rejections Based on 35 U.S.C. § 103(a)

The Examiner has next indicated that claims 29-30 are rejected under 35 U.S.C. 103(a) as unpatentable over Preissler et al, because Preissler shows all of the claimed limitations except for the polygonal member being pentagonal or hexagonal. However, it would have been obvious for one having ordinary skill at to modify Preissler to show the polygonal member module being pentagonal, because variations in the geometry of polygonal shapes are well known. Claim 29 has been cancelled, and therefore this matter is moot. Claim 30 depends from claim 24, and as argued above, Preissler does not show all of the limitations of claim 24, most notably including connection means, but also including the center connect, depending on which structure is under consideration.

The Examiner concluded by indicating that claim 33 is rejected under 35 U.S.C. 103(a) as unpatentable over Ernest in view of Feldman (6223758), because Ernest shows all of the claimed limitations except for the disc member being fabricated from polarized transparent material, but Feldman shows a disc being made from polarized transparent material. As argued above, Ernest does not show all of the limitations of the invention claimed in claim 24, and claim 33 depends from claim 31, which in turn depends from claim 24. Ernest does not show either angled side having connection means. Accordingly, it is respectfully submitted that the rejection under section 103(a) is inapt.



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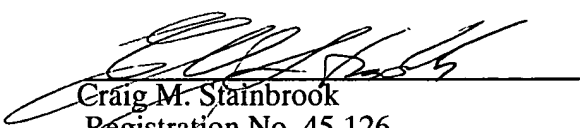
IV. CONCLUSION

In view of these amendments and comments it is believed that each of the presently pending claims in this application is in condition for immediate allowance, and such allowance is therefore respectfully requested. The Examiner is invited to call Applicant's undersigned attorney if, in the opinion of the Examiner, a telephone conference will in any way expedite prosecution of this application.

Furthermore, during the course of an interview with the Examiner on March 11, 2004, applicant and the undersigned informed the Examiner of a videotape created by the present inventor for the purpose of clarifying several novel features recited in the pending claims. The enclosed videotape is thus provided to assist the Examiner in understanding the meaning and scope of the claims now pending. It is respectfully requested that the Examiner grant applicant the courtesy of review this tape and that the tape be made of record in this case.

Respectfully Submitted,

Date: 19 Mar 2004


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videotape is provided to assist the Examiner in understanding the flat angled sides, the connection means of the angled sides, and the center connector, all limitations recited by the claims. Accordingly, it is respectfully submitted that the content of the video has a bearing on the outstanding issues in the application and will advance the prosecution of the application, as required under MPEP 713.01. It is therefore respectfully requested that the Examiner grant applicant the courtesy of review this tape and that the tape be made of record in this case.

V. CONCLUSION

In view of these amendments and comments it is believed that each of the presently pending claims in this application is in condition for immediate allowance, and such allowance is therefore respectfully requested. The Examiner is invited to call Applicant's undersigned attorney if, in the opinion of the Examiner, a telephone conference will in any way expedite prosecution of this application.

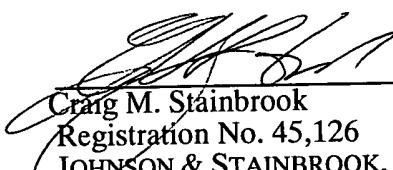
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